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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,867	10/28/2003	Mark William Birkhead	PPN-101	4081

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/693,867

Applicant(s)

BIRKHEAD ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/18/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on October 18, 2006. **Claims 1-20** are now pending in the present application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bodnick US Patent Pub. 2002/0138302.

Regarding claim 1, Bodnick teaches an interactive system (Interactive outbound and inbound voice services) by which to convert drug and medical specific information relating to information events (abstract), content and object data generated by an on-line drug and medical information system into interactive voice communications for transmission to a particular user, (paragraph 0031), said interactive system comprising:

an application system to:

access a drug or medical profile of the user to determine content to be used for a set of dynamic prompts to be presented to the user, (paragraph 0031);

receive a selection transmitted from the user responsive to the dynamic prompts, (paragraphs 0040-0042);

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receive the drug or medical specific information generated by the on-line drug and medical system in response to the selection, (paragraph 0031); and

convert said drug and medical specific information into voice content and instructions, (paragraphs 0038-0039) to speech);

a telephony/voice system to receive the voice content and instructions produced by said application system and to generate an interactive voice response to said voice content and instructions, (paragraphs 0031-0032,0034);

a telecommunications network (phone network 325) by which to transmit the interactive voice response generated by said telephony to the user, (paragraph 0022); and

a telephone (320) at which the user receives the interactive voice response transmitted by said telecommunications network (Phone Network 325), (paragraph 0022).

Regarding claim 2, Bodnick, as applied to claim 1 teaches wherein said telecommunications network is one of a cellular telephone network, a mobile telephone network or a public switched telephone network, (paragraph 0006, 0030).

Regarding claim 3, Bodnick, as applied to claim 1, teaches wherein said telephone of the user is at least a cellular telephone, (paragraph 0006, 0038).

Regarding claim 4, Bodnick, as applied to claim 1, teaches wherein said telephony/voice system has means communicating with said application system by which to receive an outbound call instruction and thereby initiate an outbound call to the telephone of the user by way of said telecommunications network, (paragraphs 0036-0038), said telephony/voice system also having means by which to accept an inbound call from the telephone of the user by way of said telecommunications network, (paragraph 0027).

Regarding claim 5, Bodnick, as applied to claim 4, teaches wherein the means of said telephony/voice system to accept an inbound call from the telephone of the user is responsive to at least one of the voice of the user or audio tones (DTMF) generated by the user on the telephone of the user, (paragraphs 0036 and 0040).

Regarding claim 6, Bodnick, as applied to claim 5, teaches wherein the means of said telephony/voice system to accept an inbound call that is responsive to at least one of the voice of the user or the audio tones generated on the telephone of the user is a speech/DTMF recognition engine that is adapted to convert the user's voice and the audio tones into corresponding voice/DTMF commands, (paragraphs 0036 and 0040).

Regarding claim 7, Bodnick, as applied to claim 6, teaches wherein said telephony/voice system also includes a voice instructions interpreter interconnected between said speech/DTMF engine and said application system so as to receive said voice/DTMF commands and to provide to said application system corresponding response instructions to be delivered from said application system to the on-line drug and medical information systems as information instructions, (paragraphs 0036 and 0040).

Regarding claim 8, Bodnick, as applied to claim 7, teaches wherein said telephony/voice system also includes a speech/text-to-speech engine communicating with said voice instruction interpreter, said voice instruction interpreter receiving the voice content and instructions produced by said application system and generating voice output instructions in response thereto, said speech/text-to-speech engine receiving said voice output instructions and transmitting to said telecommunications network understandable human speech that is based on said voice output instructions generated by said voice instruction interpreter, (paragraphs 0038-0039).

Regarding claim 9, Bodnick, as applied to claim 7, teaches wherein said application system includes an application service that is adapted to convert the response instructions provided by the voice instruction interpreter of said telephony/voice system into information instructions to be delivered to the on-line drug and medical information system, (paragraphs 0038-0039).

Regarding claim 10, Bodnick, as applied to claim 9, teaches wherein the application service of said application system generates said outbound call instruction to said telephony/voice system to initiate the outbound call to the telephone of the user, whereby to cause the drug and medical specific information from the on-line drug and medical information system to be transmitted to the user as understandable human speech, (paragraphs 0038-0039).

Regarding claim 11, Bodnick, as applied to claim 9, teaches wherein said application system also includes an application database communicating with said application service to provide information to and receive information from said application service, (paragraphs 0038-0039).

Regarding claim 12, Bodnick, as applied to claim 1, teaches wherein the drug and medical information specific information received by said application system and converted to voice content and instructions includes at least some of a description of drug or medical items, a user profile containing drug and medical items, notice of new profile event information, the current status of account, and advertising related events, (paragraphs 0038-0039).

Regarding claim 13, Bodnick teaches an interactive system (Interactive outbound and inbound voice services) by which to convert on-line drug and medical information event information corresponding to drug and medical service provider events (abstract), content and

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object data into understandable human speech to be presented to a particular user (paragraph 0031) and to convert speech and/or DTMF audio generated by the user into information commands to be routed to an on-line drug and medical information system in response to the drug and medical service provider event information, (paragraphs 0036 and 0040), said interactive system comprising:

means to access a drug or medical profile of the user to determine content to be used for a set of dynamic prompts to be presented to the user, (paragraph 0031);

means to receive a selection from the user responsive to the dynamic prompts, (paragraphs 0040-0042);

means to receive the drug and medical event information from the on-line drug and medical information system generated in response to the selection, (paragraphs 0031-0032,0034);

means to convert the drug and medical event information into interactive responses as understandable human speech to be presented to the user, (paragraphs 0038-0039);

a telephony network to deliver said interactive responses to the user, (paragraph 0022);
and

means communicating with said telephony network for converting the speech and/or DTMF audio response generated by the user into the information commands to be routed to the on-line drug and medical information system, (paragraphs 0038-0039).

Regarding claim 14, Bodnick, as applied to claim 13, teaches wherein the means to convert the drug and medical information event information into interactive responses as

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understandable human speech to be presented to the user is a speech/text-to-speech engine, (paragraphs 0038-0039).

Regarding claim 15, Bodnick, as applied to claim 14, teaches wherein the means to convert the drug and medical event information into interactive responses also includes a voice instruction interpreter communicating with said speech/text-to-speech engine to provide voice output instructions to said speech/text-to-speech engine corresponding to the drug and medical event information received from the on-line drug and medical information system, (paragraphs 0038-0039).

Regarding claim 16, Bodnick, as applied to claim 15, teaches wherein said means communicating with said telephony network for converting the speech and/or DTMF audio responses generated by the user into information commands includes a speech/DTMF recognition engine communicating with said voice instruction interpreter so as to provide to said voice instruction interpreter voice/DTMF commands corresponding to said speech and/or DTMF audio responses generated by the user, said voice instruction interpreter providing output information in response to said voice/DTMF commands to be routed to the on-line drug and medical information system as information commands, (paragraphs 0036 and 0040).

Regarding claim 17, Bodnick, as applied to claim 13, teaches call initiation means adapted to receive outbound call instructions and thereby initiate a call to the user by way of said telephony network so that the drug and medical event information can be transmitted to the user, (paragraphs 0038-0039).

Regarding claim 18, Bodnick teaches a method for converting drug and medical specific information relating to at least some of drug and medical service provider events, content and

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object data into interactive voice responses to be delivered to a particular user, (paragraph 0031),
said method comprising the steps of:

accessing a drug or medical profile of the ser to determine content to be used for a set of
dynamic prompts to be presented to the user, (paragraph 0031);

receive a selection from the user responsive to the dynamic prompts, (paragraphs 0040-
0042);

generating, in response to the selection, electronic data packets containing the drug and
medical specific information obtained from a source of said information at an on-line drug and
medical information system, (paragraph 0031);

converting the data packets into corresponding voice content and instructions,
(paragraphs 0038-0039);

generating an interactive voice response to said voice content and instructions,
(paragraphs 0038-0039);

generating an interactive voice response to said voice content and instructions as
understandable human speech, (paragraphs 0031-0032,0034);

transmitting said interactive voice response to a telecommunications network,
(paragraphs 0031-0032,0034); and

delivering said interactive voice response to the user by way of said telecommunications
network, (paragraphs 0031-0032,0034).

Regarding claim 19, Bodnick, as applied to claim 18, teaches producing a user-generated
voice and/or audio (DTMF) signal in reply to said interactive voice response delivered to the
user, (paragraphs 0036 and 0040);

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transmitting said user generated voice and/or audio signal from the user by way of said telecommunications network, (paragraph 0022);

receiving and converting said user generated voice and/or audio signal into electronic information instructions, (paragraphs 0038-0039); and

routing said information instructions to the on-line drug and medical information system, (paragraphs 0022,0036 and 0040).

Regarding claim 20, Bodnick, as applied to claim 18, teaches wherein the step of generating an interactive voice response to said voice content and instructions is accomplished by means of a voice instruction interpreter to receive said voice content and instructions and to provide corresponding voice output instructions, and a speech/text-to-speech engine communicating with said voice instruction interpreter to receive said voice output instructions and to provide said interactive voice response as understandable human speech, (paragraphs 0038-0039).

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-F from 6:30AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

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Primary Patent Examiner
Group 2614
December 14, 2006

O.E./oe